

### REMARKS

This application has been carefully reviewed in light of the Office Action dated April 7, 2004. Claims 1, 2, 4, 6 to 13 and 15 to 23 are pending in the application, with Claims 3, 5 and 14 having been cancelled and Claims 22 and 23 having been added. Claims 1, 2, 4, 6 to 12, 15, 17 and 18 have been amended and Claims 1, 2, 11, 15, 18, 22 and 23 are in independent form. Reconsideration and further examination are respectfully requested.

Applicant wishes to thank the Examiner for the indication that Claims 18 to 20 are allowable.

In addition, Applicant wishes to thank the Examiner for the indication that Claims 13, 15 and 16 would be allowable if rewritten to include all of the limitations of their base claims. Claim 15 has been amended to include all of the limitations of its base claim. Accordingly, Claim 15 and Claim 16 dependent therefrom are seen to be in condition for allowance. Applicant has chosen not to rewrite Claim 13 at this time since the base claim for Claim 13 is believed to be allowable for at least the reasons set forth below. Consequently, Claim 13 is also seen to be in condition for allowance.

Applicant also wishes to thank the Examiner for the indication that Claims 2, 5 and 6 would be allowable if rewritten to overcome their second paragraph rejections under 35 U.S.C. § 112, discussed below, and to include all the limitations of their base claims. Claim 5 has been cancelled without prejudice or disclaimer of subject matter. Applicant has chosen not to rewrite Claims 2 and 6 to include all the limitations of their base claims at this time, since each of these claims are believed to be allowable for at least

the reasons set forth below. Consequently, Claims 2 and 6 are seen to be in condition for allowance.

Claims 1 to 3, 4 to 10, 11 to 13 and 21 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Specifically, the Office Action contended that repeated use of the terms “a long distance” and “a short distance” is unclear. Claims 3 and 5 have been cancelled without prejudice or disclaimer of the subject matter and without conceding the correctness of their rejection. The remaining claims have been amended to more clearly define the invention. Reconsideration and withdrawal of the rejection of the remaining claims are respectfully requested.

Claims 1, 3, 4, 7 to 12 and 21 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,561,497 (Muramatsu) in view of U.S. Patent No. 6,344,876 (Shiomi), and Claims 14 and 17 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,053,801 (Ishida) in view of Shiomi. Claims 3, 5 and 14 were cancelled without prejudice or disclaimer of the subject matter and without conceding the correctness of their rejection. Reconsideration and withdrawal of the rejection of the remaining claims are respectfully requested.

Independent Claim 1 as amended is directed to a fluctuation detecting apparatus including a light receiving portion for detecting an image signal for an object in each of a plurality of areas, and a judging circuit for judging from the image signal obtained in each of the areas whether an object located at a long distance is mixed with an object located at a short distance. The fluctuation detection apparatus also includes a fluctuation amount calculating circuit which switches over in accordance with a judging result of the judging circuit, between a case in which a rotational fluctuation amount and a shift

fluctuation amount are calculated from the image signals obtained by the light receiving portion and a case in which the rotational fluctuation amount and the shift fluctuation amount are not calculated.

In a similar manner, newly added independent Claim 22 is directed to a fluctuation detecting method.

A feature of the invention of these claims therefore lies in switching over in accordance with a judging result, between a case in which a rotational fluctuation amount and a shift fluctuation amount are calculated from the obtained image signals and a case in which the rotational fluctuation amount and the shift fluctuation amount are not calculated.

The Office Action recognized that Muramatsu fails to disclose calculating a rotational fluctuation amount and a shift fluctuation amount. However, the Office Action cited Shiomi for its alleged disclosure of calculating a rotational fluctuation amount and a shift fluctuation amount on the basis of fluctuation data.

As understood by Applicant, Shiomi teaches an image blur prevention apparatus in which a fluctuation angular speed is detected by a phase detecting circuit 41, whereby an ordinary angular speed is taken out. See Shiomi, column 4, lines 55 to 59; and Figure 4. Shiomi also teaches that a shift correction lens 50 is freely movable on a plane perpendicular to the optical axis. See Shiomi, column 5, lines 10 to 40; and Figure 5.

Although Shiomi describes a phase detecting circuit for detecting fluctuation angular speed and a lens for shift correction, it is not seen to teach switching between calculating a fluctuation amount a shift fluctuation amount and not calculating these amounts. Accordingly, Shiomi is not seen to disclose at least the feature of switching over in accordance with a judging result, between a case in which a rotational fluctuation

amount and a shift fluctuation amount are calculated from the obtained image signals and a case in which the rotational fluctuation amount and the shift fluctuation amount are not calculated.

In addition, Ishida has been reviewed and is not seen to compensate for the deficiencies of Muramatsu and Shiomi.

Allowance of independent Claims 1 and 22 is therefore respectfully requested.

Independent Claim 2 as amended is directed to a fluctuation detecting apparatus including a light receiving portion which detects an image signal for an object in each of a plurality of areas, and a distance calculating circuit which calculates the distance to the object in each of the areas from the image signal obtained in each of the areas. The fluctuation detecting apparatus also includes a fluctuation amount calculating circuit which separates the rotational fluctuation amount and the shift fluctuation amount from the difference between the fluctuation data obtained from the image signal of the area in which an object is located at a short distance and the fluctuation data obtained from the image signal of the area in which an object is located at a long distance.

In a similar manner, newly added independent Claim 23 is directed to a fluctuation detecting method.

Independent Claim 11 as amended is directed to an apparatus with the fluctuation detecting function. The apparatus includes a light receiving portion for detecting an image signal for an object in each of a plurality of areas, and a distance calculating circuit which calculates the distance to the object in each of the areas from the image signal obtained in each of the areas. The apparatus also includes a fluctuation

amount calculating circuit which separates the rotational fluctuation amount and the shift fluctuation amount from the difference between the fluctuation data obtained from the image signal of the area in which an object is located at a short distance and the fluctuation data obtained from the image signal of the area in which an object is located at a long distance. In addition, the apparatus includes a first correction device for correcting rotational fluctuation on the basis of the rotational fluctuation amount calculated by the fluctuation amount calculating circuit, and a second correction device for correcting shift fluctuation on the basis of the shift fluctuation amount calculated by the fluctuation calculating circuit.

A feature of the invention of these claims therefore lies in separating the rotational fluctuation amount and the shift fluctuation amount from the difference between the fluctuation data obtained from the image signal of the area in which an object is located at a short distance and the fluctuation data obtained from the image signal of the area in which an object is located at a long distance.

As noted above, Shiomi teaches an image blur prevention apparatus with a phase detecting circuit for detecting fluctuation angular speed and a lens for shift correction. However, Shiomi is not seen to disclose or suggest at least the feature of separating the rotational fluctuation amount and the shift fluctuation amount from the difference between the fluctuation data obtained from the image signal of the area in which an object is located at a short distance and the fluctuation data obtained from the image signal of the area in which an object is located at a long distance.

In addition, Muramatsu and Ishida have been reviewed and are not seen to compensate for the deficiencies of Shiomi.

Allowance of independent Claims 2, 11 and 23 is therefore respectfully requested.

Accordingly, based on the foregoing amendments and remarks, independent Claims 1, 2, 11, 22 and 23 are believed to be allowable over the applied references. Reconsideration and withdrawal of the § 103(a) rejections of Claims 1, 2, 11, 22 and 23 are respectfully requested.

The other claims in the application are each dependent from the independent claims discussed above and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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